

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

ROWLAND L. OATES,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil No. C08-5686JKA

ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to a new Administrative Law Judge (ALJ) to: (1) reevaluate Plaintiff's impairments, as well as the combined impact of such impairments; (2) further consider medical source opinions regarding Plaintiff's impairments; (3) further consider Plaintiff's history of polysubstance abuse consistent with the regulatory procedures set out in 42 U.S.C. § 423(d)(2)(C); (4) if warranted, obtain supplemental medical expert testimony regarding the nature and severity of Plaintiff's impairments; (5) address the lay witness statements of Robert

1 Weeks and Plaintiff's former wife, Lina Oates; (6) further develop the record to include
2 consideration of Plaintiff's Veterans Administration (VA) disability rating consistent with
3 *McCartey v. Massanari*, 298 F.3d 1072, 1076 (9th Cir. 2002); (7) reevaluate Plaintiff's residual
4 functional capacity (RFC); and (8) if warranted by the expanded record, obtain evidence from a
5 vocational expert to clarify the effects of any assessed limitations on Plaintiff's occupational
6 base. Plaintiff may also present new arguments and further medical evidence, if such evidence
7 becomes available.

8 This case is reversed and remanded to a new ALJ on the above grounds pursuant to
9 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider
10 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

11 DATED this 2nd day of July, 2009.

12
13 /s/ J. Kelley Arnold

14 UNITED STATES MAGISTRATE JUDGE

15 Presented by:

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